



042004

22651  
U.S. PTOIn re Application of: Bernard Bendineror: SORBIC ACID AND/OR ITS DERIVATIVES SUCH AS POTASSIUM SORBATE AS  
A PREVENTATIVE FOR RUST, CORROSION AND SCALE ON METALAttorney Docket No: 10580/13Express Mail" mailing label number: EV 330124333 USDate of Deposit: April 20, 2004BRINKS  
HOFER  
GILSON  
& LIONE

## UTILITY PATENT APPLICATION TRANSMITTAL

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-145022141 U.S. PTO  
10/828855

042004

Transmitted herewith is:

- ☒ A new application under 37 C.F.R. §1.53(b).
- ☒ A ☒ Continuation, ☐ Divisional, or ☐ Continuation-in-part (CIP) under 37 C.F.R. §1.53(b) of prior application no. 09/336,612.

Prior application information: Examiner: LaToya I. Cross Art Unit: 1743

- ☒ Maintenance of copendency of prior application: A request for extension of time (copy attached) and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until April 20, 2004.

For Continuation or Divisional Applications only: The entire disclosure of the prior application, from which an oath or declaration is supplied as indicated below, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

The following application elements and other papers are attached:

1. Application including: ☐ Application Data Sheet. See 37 CFR § 1.76.
- ☒ Title page
- ☒ Specification, including claims and Abstract (15 [fifteen] pages)
- ☒ Drawings (9 [nine] sheet(s))
- ☐ Appendices:
- ☒ Declaration or ☐ Combined Declaration and Power of Attorney (\_\_\_\_ pages):
- ☐ newly-executed (original or copy)
- ☒ copy from a prior application (37 CFR §1.63(d))
- ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR §1.53(d)(4). Please DELETE the following inventors(s) named in prior nonprovisional application no: \_\_\_\_\_:

2. ☒ Small Entity Status:

- ☐ Applicant hereby asserts entitlement to claim small entity status under 37 CFR §§ 1.9 and 1.27.
- ☒ A small entity statement or assertion of entitlement to claim small entity status was filed in prior application no. 09/336,612 and such status is still proper and desired.
- ☐ Is no longer desired.

3. Fee calculation (after entry of any preliminary amendment(s) in Item #7 below):

Claims as Filed	Col. 1	Col. 2	Small Entity			Not a Small Entity	
For	No. Filed	No. Extra	Rate	Fee	or	Rate	Fee
Basic Fee				\$ 385	or		\$ 770
Total Claims	-20		x\$9=	\$	or	x\$18=	\$
Independent Claims	-3		x\$43=	\$	or	x\$86=	\$
Multiple Dependent Claims Present			+\$145=	\$	or	+\$290=	\$
*If the difference in col. 1 is less than zero, enter "0" in col. 2.			Total	\$	or	Total	\$

4. Fee payment :

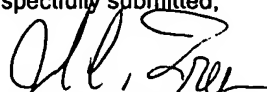
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ Please charge my Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☐ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed.
- ☐ Any additional filing fees required under 37 CFR § 1.16.
- ☐ Any patent application processing fees under 37 CFR § 1.17.
- ☐ The Director is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-1925.
- ☐ Any filing fees under 37 CFR § 1.16 for presentation of extra claims.
- ☐ Any patent application processing fees under 37 CFR § 1.17.
- ☐ The issue fee set in 37 CFR § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR § 1.311(b).
5. ☐ Certified copy of priority document(s)
- ☐ is attached or ☐ has been filed in prior application no. \_\_\_\_\_ / \_\_\_\_\_.
6. ☐ English Translation Document
- ☐ is attached or ☐ has been filed in prior application no. \_\_\_\_\_ / \_\_\_\_\_.
7. ☒ Preliminary Amendment:
- ☒ A Preliminary Amendment is attached (*note*: related application data required under 37 CFR § 1.78, if any, appears in the Amendments to the Specification section of the Preliminary Amendment, including incorporations by reference).
- ☐ A "Petition to Suspend Prosecution For the Time Necessary to File an Amendment (New Application Filed Concurrently)" is attached.
8. ☐ Information Disclosure Statement, including Form PTO-1449 (\_\_\_\_\_ sheets) and copies of references cited, if required.
9. ☒ An Assignment to: Bendiner Technologies, LLC
- ☐ with accompanying Assignment Recordation Cover Sheet, is attached.
- ☒ was previously recorded on July 23, 2002 at Reel 013111, Frames 382-384.
10. ☐ Power of Attorney (\_\_\_\_\_ pages; ☐ by inventor ☐ by Assignee identified in item #9 above)
11. ☐ Nonpublication Request under 35 USC § 122(b)(2)(B)(i)
12. ☐ Other: \_\_\_\_\_
13. ☒ Return Postcard
14. The power of attorney in the prior application is to: Craig A. Summerfield (Reg. No. 37,947) and William F. Prendergast (Reg. No. 34,699).
- ☒ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers in the prior application, but was filed on: \_\_\_\_\_
- ☐ A new power has been executed and is attached.
15. CORRESPONDENCE ADDRESS: please recognize the correspondence address for this application as the address associated with the following Customer Number:

**Customer No. 00757 - Brinks Hofer Gilson Lione**

16. PLEASE DIRECT all telephonic communications to:

John C. Freeman (tel: (312) 321-4200).

Respectfully submitted,

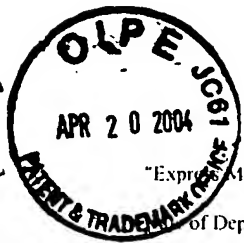


John C. Freeman (Reg.No. 34,483)



Date: April 20, 2004

04/21/04



"Express Mail" mailing label number: EV 330129256 US

Date of Deposit: April 20, 2004

Case No. 10580/3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Bernard Bendiner

Serial No: 09/336,612

Examiner: LaToya I. Cross

Filed: June 18, 1999

Group Art Unit: 1743

CPA Filed: August 9, 2000

For: SORBIC ACID AND/OR ITS  
DERIVATIVES SUCH AS  
POTASSIUM SORBATE AS A  
PREVENTATIVE FOR RUST,  
CORROSION AND SCALE ON  
METAL

**PETITION AND FEE FOR EXTENSION OF TIME (37 CFR § 1.136(a))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a petition for an extension of the time to respond to Office Action dated October 20, 2003 for a period of three (3) month(s).

☒ Applicant:

☒ claims small entity status. See 37 C.F.R. §1.27.

☐ is other than small entity

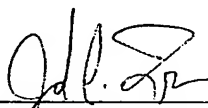
	<u>Extension Months</u>	<u>Other Than Small Entity</u>	<u>Small Entity</u>
<input type="checkbox"/>	One Month	\$110.00	\$55.00
<input type="checkbox"/>	Two Months	\$420.00	\$210.00
<input checked="" type="checkbox"/>	Three Months	\$950.00	\$475.00
<input type="checkbox"/>	Four Months	\$1,480.00	\$740.00
<input type="checkbox"/>	Five Months	\$2,010.00	\$1,005.00

**Fee Payment**

- ☒ Attached is a check for \$475.00 for the Petition fee.
- ☐ Attached is a credit card authorization form for \$\_\_\_\_\_ for the Petition fee.
- ☐ Charge Petition fee to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.
- ☒ Charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

Respectfully submitted,

Dated: April 20, 2004

  
\_\_\_\_\_  
John C. Freeman  
Registration No. 34,483  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
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(312)321-4200